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November 15, 2007

Via Fax: 212-805-0426

The Honorable Laura Taylor Swain  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 755  
New York, NY 10007

**MEMO ENDORSED**

|            |             |
|------------|-------------|
| VERSION    | 1           |
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| DATE       | 11/16/2007  |
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| DATE FILED | NOV 16 2007 |

Re: Maria M. Peracchino, et al. v. Vincenzo Marra et al.  
Civ Action No.: 07 Civ. 3257 (LTS)

Dear Judge Swain:

We represent the Defendants in the above-referenced matter. This letter is being respectfully submitted to you to request an extension of time for the parties to submit their Preliminary Pre-Trial Statement until after Defendants' motion to dismiss has been decided since a decision granting Defendants' motion could moot the requirement. Defendants seek an extension up to thirty (30) days after the Court decides the motion. Plaintiffs are only agreeable to an extension up to ten (10) days after the motion has been decided. Otherwise Plaintiffs do not oppose Defendants' request for the extension.

Neither of the parties are requesting an adjournment of the Pre-Trial Conference currently scheduled for November 30, 2007.

By way of procedural history, the Court sent to the parties an Initial Conference Order dated May 10, 2007, which original set forth the Pre-Trial Conference for August 22, 2007. The parties' executed a stipulation "So Ordered" by the Court on June 15, 2007, which set a briefing schedule for Defendants' motion to dismiss and which at that time provided for the parties to cooperate in connection with a request to the Court to adjourn

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the original Pre-Trial Conference. By letter dated August 17, 2007, the parties made the formal request for the adjournment of the original Pre-Trial Conference which letter was "So Ordered", with the following language:

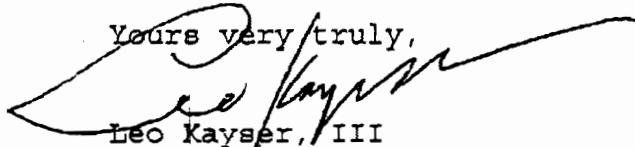
"The conference is adjourned to November 30, 2007, at 10:00 A.M. and the related deadlines are modified accordingly."

In the body of the August 17, 2007, letter the parties requested an:

". . . adjournment of the date by which they shall submit the Preliminary Pre-Trial Statement up to seven (7) days prior to the new pre-trial conference date."

The return date for Defendants' motion to dismiss was September 25, 2007. To date the Court has not requested any oral argument with respect to the motion.

The effect of the request being made by the Defendants by this letter is only to modify and extend the date for the submission of the Preliminary Pre-Trial Statement from November 23, 2007, to a date after which the motion to dismiss is decided.

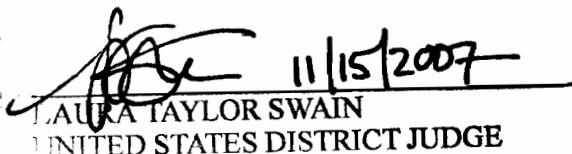
Yours very truly,  
  
Leo Kayser, III

LK:dm  
cc: Vincent Marra

via Fax: 212-509-9559  
Francesco Di Pietro, Esq.  
Wuersch & Gering, LLP  
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New York, NY 10005

The request to extend further the deadline for submission of the Preliminary Pre-Trial Statement is denied.

SO ORDERED.

  
11/15/2007  
LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE